

FREEDOM FROM RELIGION *foundation*

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January 24, 2023

SENT VIA EMAIL & U.S. MAIL: Phil.DiStefano@colorado.edu

Phil DiStefano
Chancellor, University of Colorado Boulder
17 UCB
Boulder, CO 80309

Re: Unconstitutional Religious Coercion in Football Program

Dear Chancellor DiStefano:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding constitutional concerns with new football coach Deion Sanders' promotion of religion and potential religious coercion through the football program. FFRF is a national nonprofit organization with more than 39,000 members across the country, including more than 1,200 members and two local chapters in Colorado. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

Multiple concerned Colorado residents have reached out to FFRF to report that CU's new football coach Deion Sanders has been infusing his program with Christianity and engaging in religious exercises with players and staff members. It is our understanding that on December 20, 2022, a staff member led other staff members in a Christian prayer to start an official meeting.¹ More egregiously, on January 16, 2023, Coach Sanders directed a staff member to lead players and coaches in Christian prayer before a team meeting.²

Lord, we thank You for this day, Father, for this opportunity as a group. Father, we thank You for the movement that God has put us in place to be in charge of. We thank You for each player here, each coach, each family. In Jesus' name we pray. Amen.

It appears from these examples that Coach Sanders includes prayer in all his team meetings and events, and likely prays regularly with the team. We understand that Coach Sanders "praised and glorified God during an introductory press conference Dec. 4 commemorating his new head coaching gig with the University of Colorado,"³ and that he has a history of pushing religion onto his players. While he was coaching at Jackson State, he required his team to participate in a call and response prayer. He gathered all his players and told them:⁴

Repeat after me... Lord, I love you. Lord, I thank you. Lord, I magnify you. Lord, I glorify you. Keep us, guide us, lead us, protect us, direct us. Thank You, Lord. Thank

¹ https://www.youtube.com/watch?v=XRu_fuWVx9o

² <https://www.youtube.com/watch?v=WYg7wP8TE0U&t=35s>

³ <https://www1.cbn.com/cbnnews/2022/december/i-magnify-him-hellip-i-glorify-him-hellip-i-praise-him-nfl-legend-deion-sanders-gives-god-all-the-glory-during-press-conference>

⁴ <https://footballscoop.com/news/watch-coach-prime-pray-god-address-players-nfl-college-football-hbcu>

You, Lord. Thank You, Lord for everything, for all things, for more to come. Without You, I wouldn't be a thing! A thing! A thing! In Jesus name. Amen.

Unfortunately, Coach Sanders' inappropriate and unconstitutional actions are common throughout college sports. FFRF released a report in 2015 entitled “Pray to Play” that condemned more than 25 public universities for allowing football coaches to impose their personal religion on players by hiring Christian chaplains.⁵ It seems that in this case, Coach Sanders has not hired a Christian chaplain to impose religion on her players, but has done so himself, creating a Christian environment within his football programs that excludes non-Christian and non-religious players.

The Supreme Court has continually struck down school-sponsored proselytizing in public schools. *See, e.g. Abington Township Sch. Dist. V. Schempp*, 374 U.S. 203 (1963) (declaring unconstitutional devotional Bible reading and recitation of the Lord’s Prayer in public schools); *Engel v. Vitale*, 370 U.S. 421 (1962) (declaring prayers in public schools unconstitutional); *Lee v. Weisman*, 505 U.S. 577 (1992) (ruling prayers at public school graduations an impermissible establishment of religion); *Sante Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (striking down a school policy that authorized students to vote on whether to hold a prayer at high school football games). In all of these cases, the federal courts have struck down school prayers because it constitutes a government advancement of religion, which violates the Establishment Clause of the First Amendment. The Court’s recent decision in *Kennedy v. Bremerton School District* did not alter the law regarding these kinds of coercive prayer practices, nor did it overrule these previous decisions. The Court reaffirmed in *Kennedy* that the schools cannot “‘make a religious observance compulsory.’” *Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2429 (2022) (quoting *Zorach v. Clauson*, 343 U. S. 306, 314 (1952)).

In *Mellen v. Bunting*, the Fourth Circuit Court of Appeals, extended the scope of the aforementioned cases from primary and secondary schools to college-aged students when institutional circumstances create a coercive religious environment. *Mellen v. Bunting*, 327 F.3d 355 (4th Cir. 2003). The court found that mealtime prayer at a state military college (VMI) was an unconstitutional violation of the Establishment Clause given the coercive atmosphere.

The University of Colorado’s authority over student athletes is similar to that of VMI in that much of the players’ conduct is closely monitored, directed and critiqued by coaching staff. Players trying to please their coach surely will feel immense pressure to participate in religious activities and go along with Coach Sanders’ proselytizing.

It is no defense to call these religious messages and activities “voluntary.” Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See, generally, Lee v. Weisman*, 505 U.S. at 596 (“It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.”); *Abington Sch. Dist. v. Schempp*, 374 U.S. 203, 288 (1963) (Brennan, J., concurring) (“Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question. . .”); *Mellen v. Bunting*, 327 F.3d at 372 (“...VMI cannot avoid Establishment Clause problems by simply asserting that a cadet’s attendance at supper or his or her participation in the supper prayer are ‘voluntary.’”).

⁵ <https://ffrf.org/images/PraytoPlayReport.pdf>

Coach Sanders' team is full of young and impressionable student athletes who would not risk giving up their scholarship, giving up playing time, or losing a good recommendation from the coach by speaking out or voluntarily opting out of his unconstitutional religious activities—even if they strongly disagreed with his beliefs. Coaches exert great influence and power over student athletes and those athletes will follow the lead of their coach. Using a coaching position to promote Christianity amounts to religious coercion.

The University should not lend its power and prestige to religion, amounting to a governmental advancement of religion that excludes the nearly thirty-seven percent of Americans who are non-Christians, and the nearly one in three Americans who now identify as religiously unaffiliated.⁶ Sanders' religious activities alienate and exclude a significant portion of your students and staff members.

The University of Colorado must take action to protect its student athletes and to ensure that Sanders understands that he has been hired as a football coach and not a pastor. We request that Sanders be educated as to his constitutional duties under the Establishment Clause. He may not promote religion in his capacity as head coach. We further request notification in writing of the actions the University is taking to ensure that Sanders will not continue to proselytize to his players or subject them to coercive team prayers.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation

Cc: Rick George, Athletic Director, *via* **Rick.George@Colorado.edu**

⁶ Gregory A. Smith, About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated, Pew Research Center (Dec. 14, 2021), www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.